

093005

17638

10-03-05

JC06 Rec'd PCT/PTO 30 SEP 2005

PCT

PTO-1390 (Rev. 07-2005)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
9740-1

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**10/551874**

INTERNATIONAL APPLICATION NO.  
PCT/EP2004/003419

INTERNATIONAL FILING DATE  
31 MARCH 2004

PRIORITY DATE CLAIMED  
02 APRIL 2003

**TITLE OF INVENTION**

METHOD FOR RECOGNIZING ACUTE GENERALIZED INFLAMMATORY CONDITIONS (SIRS), SEPSIS, SEPSIS-LIKE CONDITIONS AND SYSTEMIC INFECTIONS

**APPLICANT(S) FOR DO/EO/US**

Stefan RUSSWURM, Konrad REINHART, Hans-Peter SALUZ, Eberhard STRAUBE, Peter F. ZIPFELI, Hans-Peter DEIGNER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/551874</b>		INTERNATIONAL APPLICATION NO. PCT/EP2004/003419		ATTORNEY'S DOCKET NUMBER 9740-1	
20. Other items or information: <b>RETURN RECEIPT POSTCARD</b>					
The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 400	
All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 200	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
<b>TOTAL OF 21, 22 and 23 =</b>				900	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
182 - 100 =	82 /50 =	2	x \$250	\$ 500	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	59 - 20 =	39	x \$ 50	\$ 1,950	
Independent claims	9 - 3 =	6	x \$200	\$ 1,200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 360	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 4,910	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 2,455	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 2,455	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$	
				Amount to be refunded:	\$
				Amount to be charged	\$

10/551874

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

JC20 Rec'd PCT/PTO 30 SEP 2005

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-0951 in the amount of \$ 2,455. to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0951. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

NICHOLAS A. ZACHARIADES, PH.D.

NAME

56,712

REGISTRATION NUMBER

10/551874

JC20 Rec'd PCT/PTO 30 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of RUSSWURM et al.

U.S. National Phase of PCT Application: WO 2004/087949

Application No.:

Group:

Date Filed:

September 30, 2005

Examiner:

For: METHOD FOR RECOGNIZING ACUTE GENERALIZED INFLAMMATORY  
CONDITIONS (SIRS), SEPSIS, SEPSIS-LIKE CONDITIONS AND SYSTEMIC  
INFECTIONS

SUBMISSION OF SEQUENCE LISTING

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please find attached a compact disc containing an electronic copy of the Sequence  
Listing in .txt format. The undersigned respectfully requests that the attached Sequence  
Listing be entered into the Application.

Respectfully submitted,

AKERMAN SENTERFITT



Date: September 30, 2005

Nicholas A. Zachariades, Ph.D.  
Registration No. 56,712  
P.O. Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000  
Fax: 561-659-6313

10/551874

JC20 Rec'd PCT/PTO 30 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of RUSSWURM et al.

U.S. National Phase of PCT Application: WO 2004/087949

Application No.:

Group:

Date Filed: September 30, 2005

Examiner:

For: METHOD FOR RECOGNIZING ACUTE GENERALIZED INFLAMMATORY  
CONDITIONS (SIRS), SEPSIS, SEPSIS-LIKE CONDITIONS AND SYSTEMIC  
INFECTIONS

SUBMISSION OF COPY OF INTERNATIONAL APPLICATION

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find attached a copy of the International application as published.

Respectfully submitted,

AKERMAN SENTERFITT

Date: September 30, 2005



Nicholas A. Zachariades, Ph.D.  
Registration No. 56,712  
P.O. Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000  
Fax: 561-659-6313

10/551874

JC20 Rec'd PCT/PTO 30 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of RUSSWURM et al.

U.S. National Phase of PCT Application: WO 2004/087949

Application No.:

Group:

Date Filed: September 30, 2005

Examiner:

For: METHOD FOR RECOGNIZING ACUTE GENERALIZED INFLAMMATORY  
CONDITIONS (SIRS), SEPSIS, SEPSIS-LIKE CONDITIONS AND SYSTEMIC  
INFECTIONS

SUBMISSION OF TRANSLATION OF INTERNATIONAL APPLICATION

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find attached an English translation of the International Application,  
PCT/EP2004/003419, along with the drawings. A copy of the International Search Report is  
also enclosed.

Respectfully submitted,

AKERMAN SENTERFITT

Date: September 30, 2005



Nicholas A. Zachariades, Ph.D.  
Registration No. 56,712  
P.O. Box 3188  
West Palm Beach, FL 33402-3188  
Tel: 561-653-5000  
Fax: 561-659-6313